THE HON'BLE SRI JUSTICE C.V. RAMULU

Monday, 17th day of July, 2006

W.P.No.14664 of 2006

Between:

Muneer Ahmed … Petitioner

and

The Registrar of Cooperative
Societies, Gruhakalpa, Hyderabad
and others … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.14664 of 2006

ORAL ORDER:

With the consent of both the parties, the Writ Petition is taken up for hearing at the admission stage itself.

This Writ Petition is filed seeking a Mandamus declaring the auction notice dated 1-7-2006 issued by the Sale Officer, Charminar Cooperative Urban Bank Limited, Hyderabad – 2nd respondent - in respect of the property in item No.2 of M/s. Bara Moula Educational Society as null and void.

According to the petitioner, his property is also sought to be auctioned through the impugned notice. He states that he is the owner of the property shown at item No.2 of the impugned auction notice. In fact, in this regard, he had filed a suit in O.S.No.5490 of 2003 on the file of the learned VIII Junior Civil Judge, City Civil Court, Hyderabad, but the same was dismissed on the ground that it is not maintainable. Thereafter, the auction notice dated 1-7-2006 was issued by the 2nd respondent. Challenging the same, the present Writ Petition is filed.

Learned counsel for the respondent-Bank submits that the petitioner has got an effective alternative remedy by way of filing a claim petition under sub-rule (21)(a) of Rule 52 of the A.P. Cooperative Societies Rules, 1964, against the impugned auction notice and the petitioner without exhausting the said alternative remedy filed the present Writ Petition and as such, it is not maintainable.

In view of the above, without going into the merits of the case, the

petitioner is directed to file a claim petition under sub-rule (21)(a) of Rule 52 of the A.P. Cooperative Societies Rules, 1964 within a period of three (3) days from the date of receipt of a copy of this order. On filing such claim petition, the 2nd respondent shall consider the same and pass appropriate orders in accordance with law, after giving opportunity to the petitioner. However, till such time, the auction proposed in respect of the property in item No.2 of the impugned notice shall not be proceeded with.

With the above directions, the Writ Petition is disposed of at the admission stage. No costs.

17-7-2006

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